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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,071	06/14/2001	Makoto Mogamiya	P20764	6440
7055	7590	08/12/2004	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			HENN, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			2612	5

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,071

Applicant(s)

MOGAMIYA ET AL.

Examiner

Timothy J Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 13 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 5-12 and 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3, 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to: change "STOP TO ACTUATE THE ION GENERATOR 80" to --STOP ACTUATION OF THE ION GENERATOR 80-- or --STOP THE ION GENERATOR 80-- in block S18 of figure 3. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 13 and 20 rejected under 35 U.S.C. 102(b) as being anticipated by Shibazaki (JP 2000-029132 A).

[claim 1]

In regard to claim 1, note that Shibazaki discloses an electronic camera (Figure 1), comprising: at least one optical element disposed in said electronic camera (Figure 1, Item 4 or 5), and a charge eliminating device for eliminating static electric charges from said optical element (Figures 2 and 3; Paragraphs 0014-0021; Figure 5; Paragraphs 0033-0036).

[claim 2]

In regard to claim 2, note that Shibazaki discloses an electronic camera further comprising: a manually operable switch (Figure 5, Item 72), and a controller for controlling said charge eliminating device to operate in response to operation of said manually operable switch (Figure 5, Item 70; Paragraphs 0033-0036).

[claim 3]

In regard to claim 3, note that Shibazaki discloses an electronic camera wherein a predetermined operation related to image capture is initiated in response to operation

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of said manually operable switch (Paragraphs 0033-0036; The office notes that opening the shutter and raising the mirror are operations "related to image capture").

[claim 4]

In regard to claim 4, note that Shibazaki discloses a manually operable switch which as part of the cleaning process causes the shutter to move into the open state (Paragraph 0034), therefore the switch 72 can be called a "shutter release button".

[claim 13]

In regard to claim 13, note that Shibazaki discloses a charge eliminating device including a conductive member to ground the optical element (Figures 2 and 3; Paragraphs 0014-0021).

[claim 20]

In regard to claim 20, note that Shibazaki discloses an optical element which is an image-pickup device (Figures 2, 3 and 5; Item 5 and 5a).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicants admitted prior art in view of Shibazaki (JP 2000-029132 A).

[claim 1]

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In regard to claim 17, note that the applicants admitted prior art discloses an electronic camera comprising at least one optical element (e.g. an optical filter) disposed in the electronic camera (Paragraphs 004-0010). However, the applicants admitted prior art does not disclose a charge eliminating device for eliminating static electric charges from the optical element.

Shibazaki discloses an electronic camera with a charge eliminating device for eliminating static electric charges from optical elements (Figures 2 and 3; Paragraphs 0014-0021; Figure 5; Paragraphs 0033-0036) in order to remove dust which accumulates on the optical elements (e.g. Abstract; Paragraphs 0008-0009). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a charge eliminating device as taught by Shibazaki to remove dust accumulation on the optical elements of the camera due to static electric charge.

[claim 17]

In regard to claim 17, note that the applicants admitted prior art discloses an optical element made from ferroelectric material (Paragraph 0008).

[claim 18]

In regard to claim 18, note that the applicants admitted prior art discloses an optical element which is an optical low pass filter (Paragraph 0008).

[claim 19]

In regard to claim 19, note that the applicants admitted prior art discloses an optical element which is an infra-red absorbing filter (Paragraph 0008).

Allowable Subject Matter

7. Claims 5-12 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

[claim 5]

In regard to claim 5, the prior art does not teach or fairly suggest an electronic camera with a charge eliminating device for eliminating static electric charges from an optical element wherein a shutter release button has first and second positions to which it is pushed down, the charge eliminating device operates when the shutter release button is pushed down to the first position, while the image-pickup device operates when the shutter release button is pushed down to the second position.

[claims 6-12]

In regard to claims 6-12, the prior art does not teach or fairly suggest an electronic camera including a charge eliminating device for eliminating static electric charges from an optical element wherein the charge eliminating device is an ion generator for ionizing the air inside the electronic camera.

[claims 14-16]

In regard to claims 14-16, the prior art does not teach or fairly suggest an electronic camera including a charge eliminating device for eliminating static electric charges from an optical element wherein the charge eliminating device includes a brushing device having a conductive and grounded brush, the brush traversing over a surface of the optical element while keeping contact with the optical element.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art further shows the current state of the art in static charge and dust removal from camera optical elements:

- | | | |
|------|---------------|--------------------|
| i. | Bean et al. | US 2002/0180880 A1 |
| ii. | Ernst et al. | US 6,543,078 |
| iii. | Tamura et al. | JP 09-130654 A |

The following reference further shows dust removal mechanisms incorporated in cameras, however, they do not qualify as prior art under 35 U.S.C. §102:

- | | | |
|-----|---------------|----------------|
| ii. | Tamura et al. | JP 2001-298640 |
|-----|---------------|----------------|

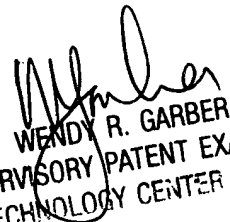
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327. The examiner can normally be reached on M-F 7:30 AM - 5:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH
7/29/2004


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